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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,748	04/17/2006	Daowei Fei	CYN106	2255
56352	7590	10/08/2009		
GLOBAL IP SERVICES		EXAMINER		
7285 W. Eagle Court		BURK, CATHERINE E		
Winton, CA 95388		ART UNIT	PAPER NUMBER	
		3735		
			MAIL DATE	DELIVERY MODE
			10/08/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,748	<b>Applicant(s)</b> FEI, DAOWEI
	<b>Examiner</b> CATHERINE E. BURK	<b>Art Unit</b> 3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 17 April 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the number "4" should be deleted from line 7 because no other reference characters appear in the claims. However, if applicant would like to leave the reference character in the claim, it should appear in parenthesis. Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or

characters which may appear in the claims. See MPEP § 608.01(m). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "said permanent magnets reeled with windings" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

a. Suggested modifications to claim 1:

- i. Line 3: the word -a- should be added before the word "whole" and the word -an- should be added before the word "inner" and the first occurrence of the word "outer".
- ii. Line 4: the word "on" should be deleted.
- iii. Lines 5, 7, 11, and 12: the word "be" should be deleted.
- iv. Line 7: the word "wined" should be changed to --wound--.
- v. Line 11: the word "equably" should be changed to --equally--.

- vi. Lines 13-14: the phrase “permanent magnets reeled with windings” should be changed to --permanent magnets would with coils-- in order to correct the antecedent basis issue.
- b. Suggested modifications to claim 5:
  - i. The word “circuit” should be changed to --circle--.
- c. Suggested modifications to claims 6 and 7:
  - i. The word “appear” should be changed to --form an--.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fei (CN 2512438 Y) in view of Wang (CN 1114229 A).

Claim 1-7; Fei discloses a device comprising a bra including an inner bra -3- and an outer bra -2- forming an arc-shaped bulge (claims 6 and 7). The outer bra covers and connects with the inner bra (fig. 3). The device comprises an electric heater -6-, permanent magnets -4- wound with coils, and a vibrator -7-; the heater, magnets, and vibrator are located between the inner and outer bra (claim 2) (page 5, bottom paragraph). A vent pipe (the one way gas releasing valve disclosed in example 2) and an outlet hole -10- are located under the electric vibrator -7- (claim 3) (fig. 3). The outlet hole is located at the center of the front of the bra and a suck tube -11- is

placed before and connected to the outlet hole. The vibrator is fixed on the front end of the suck tube and well as a circular inward projection -9- forming a nipple fixture device (claim 5). A milk packet is connected to and located underneath the suck tube (claim 4) (examples 2, 3 and fig. 3).

Fei discloses the device also may comprise electrically conductive rubbers but fails to disclose their configuration. However, Wang discloses a device for providing electrotherapy or massage therapy to a breast comprising electrically conductive rubber strips -7- and -8- that form magneto-electric poles embedded equally and symmetrically onto a shell placed over a breast (fig. 2 and page 6, first paragraph). It would have been obvious to one of ordinary skill in the art at the time of the invention to place the electrically conductive rubbers equally around the bra disclosed by Fei, similar to the conductive rubber configuration disclosed by Wang, because the equally distributed conductive rubber will cause an equal distribution of electrotherapy to the breast (Wang page 6).

Fei also fails to disclose an electronic impulse spectrum generator connected to the heat, magnets, and magneto-electric poles. However, the device disclosed by Wang is connected to an electronic impulse spectrum generator for providing a pulse current through the device to stimulate massaging and other therapies provided by the device (claim 1) (page 6 first and second paragraphs). It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the bra, including an electric heater, magnets wound with coils, and conductive rubber, to an electronic impulse spectrum generator, similar to the spectrum generator disclosed by Wang, because the pulsed current provides stimulation through the breast device to

provide electricity, heat and massage to the breast; this stimulation treats many conditions such as mastitis and hyperplasia, as well as stimulates breast milk (page 6, second paragraph).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. Devices for stimulating lactation using massage, heat, and/or magnets: Beal (US 2005/0234370 A1), Quay (US 6689073 B2), and McKendry (US 6706012 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE E. BURK whose telephone number is (571) 270-7130. The examiner can normally be reached on Monday-Thursday 8:30 AM - 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/  
Supervisory Patent Examiner  
Art Unit 3735

/C. E. B./  
Examiner, Art Unit 3735